

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Patent Application of:)	
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Jeremy L. Rover)	
)	
Serial No.: 10/611,596)	Art Unit: 2157
)	
Filed: June 30, 2003)	
)	Examiner: Osman, Ramy M.
For: System and Method for Describing)	
Network Components and Their)	
Associations)	
)	
)	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313

APPEAL BRIEF UNDER 37 CFR § 41.37

Sir:

The Applicant (hereafter “Appellant”) hereby submits this Brief in support of its appeal from a final decision by the Examiner, mailed July 25, 2007 in the above-captioned case. The Appellant respectfully request consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application.

An oral hearing is not desired.

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I. REAL PARTY IN INTEREST

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052-8119.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences that are related to, will directly affect, will be directly affected by, or have a bearing on the Board's decision in the present appeal.

III. STATUS OF THE CLAIMS

Claims 1-22 and 39-43 are currently pending in this application. Claims 23-38 have been cancelled. No claims have been allowed. All pending claims were rejected in the final Office action mailed July 25, 2007 and are the subject of this appeal.

Claims 1-19 and 39-43 stand rejected under 35 U.S.C. §102(e) as anticipated.

The remaining claims, 20-22, stand rejected as obvious, but these rejections rely on the anticipation rejection.

IV. STATUS OF AMENDMENTS

In response to the Final Office Action mailed on July 25, 2007, rejecting claims 1-22 and 39-43, Appellants timely filed a Notice of Appeal on December 21, 2007.

A copy of all claims on appeal is attached hereto as Appendix A.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Claim 1 refers to a method with the following elements:

receiving a description of a network component (FIGs. 1, 2, and 8 and [0013]-[0022]); and

placing at least a portion of the received description into one of a plurality of sections of an electronic list of network components, each of the plurality of sections having a standard format, wherein each of the plurality of sections corresponds to a capability of a network component, and further wherein the electronic list of network components includes (FIGs. 1, 2, and 8 and [0013]-[0022])

a dynamic network device section to contain a description of one or more network components that can be moved from one location on a network to another location, (FIGs. 1, 2, and 8 and [0014])

a non-dynamic network device section to contain a description of one or more network components having a static IP address, and (FIGs. 1, 2, and 8 and [0015])

a power management section to contain a description of one or more power management modules to programmatically apply power to a network component. (FIGs. 1, 2, and 8 and [0016])

Claim 39 refers to a system with the following elements:

a first network component (FIGs. 2, 8, and 10 and [0044]); and

a second network component coupled with the first network element through a wireless local area network, the second network component having a processor and logic executable thereon to

receive a description of the first network component; and

place at least a portion of the received description into one of a plurality of sections of an electronic list of network components, each of the plurality of sections having a standard format, wherein each of the plurality of sections corresponds to a capability of a network component, and further wherein the electronic list of network components includes (FIGs. 2, 8, and 10 and [0044])

a dynamic network device section to contain a description of one or more network components that can be moved from one location on a network to another location, (FIGs. 1, 2, and 8 and [0014])

a non-dynamic network device section to contain a description of one or more network components having a static IP address, and (FIGs. 1, 2, and 8 and [0015])

a power management section to contain a description of one or more power management modules to programmatically apply power to a network component (FIGs. 1, 2, and 8 and [0016]).

Independent claims 1 and 39 are directed to a system and method for describing network components and the associations between the described network components. A network management layer receives descriptions of network components and places at least a portion of the received description into one of a plurality of sections of an electronic list of network components. Each of the plurality of sections has a standard format.

VI. GROUND OF REJECTION

A. Whether the reference, having no indication “receiving a description of a network component ... placing at least a portion of the received description into ... an electronic list of network components ... wherein each of the plurality of sections corresponds to a capability of a network component ... the ... list include[ing] a dynamic network device section ... a non-dynamic network device section ... and a power management section” anticipates the specific limitation of “receiving a description of a network component ... placing at least a portion of the received description into ... an electronic list of network components ... wherein each of the plurality of sections corresponds to a capability of a network component ... the ... list include[ing] a dynamic network device section ... a non-dynamic network device section ... and a power management section” under 35 U.S.C. §102(c).

VII. ARGUMENT

A. Introduction

While the arguments below are directed only to Claims 1 and 39, they are believed to apply also to the other pending claims.

B. Absent any teaching of “receiving a description of a network component ... placing at least a portion of the received description into ... an electronic list of network components ... wherein each of the plurality of sections corresponds to a capability of a network component ... the ... list include[ing] a dynamic network device section ... a non-dynamic network device section ... and a power management section” the cited reference cannot anticipate ““receiving a description of a network component ... placing at least a portion of the received description into ... an electronic list of network components ... wherein each of the plurality of sections corresponds to a capability of a network component ... the ... list include[ing] a dynamic network device section ... a non-dynamic network device section ... and a power management section”” as recited in claims 1 and 39.

Claims 1-19 and 39-43 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,188,160 issued to Champagne et al. (*Champagne*). The Appellant respectfully submits that claims 1-22 and 39-43 are not anticipated by *Champagne* for at least the reasons set forth below.

Independent claim 1 recites

A method comprising:
receiving a description of a network component; and
placing at least a portion of the received description into one of a plurality of sections of an electronic list of network components, each of the plurality of sections having a standard format, wherein each of the plurality of sections

corresponds to a capability of a network component, and further wherein the electronic list of network components includes
a dynamic network device section to contain a description of one or more network components that can be moved from one location on a network to another location,
a non-dynamic network device section to contain a description of one or more network components having a static IP address, and
a power management section to contain a description of one or more power management modules to programmatically apply power to a network component.

(Emphasis added). Independent claim 39 is a system claim that similarly recites “receiving a description of a network component ... placing at least a portion of the received description into ... an electronic list of network components ... wherein each of the plurality of sections corresponds to a capability of a network component ... the ... list include[ing] a dynamic network device section ... a non-dynamic network device section ... and a power management section.”

Regarding the claim terms directed to “receiving a description of a network component,” the Office action directs the Appellant’s attention to column 3, line through column 4, line 18 of *Champagne* which state:

The network device 12 **maintains its configuration information in local non-volatile storage 13**, such as flash-programmable memory. By doing so, the network device 12 is able to restore a running configuration after a power loss or similar interruption in operation. The NMS 10 also maintains configuration information for the network device 12. This copy of the configuration information is stored in a database at the server 16, and is used by the NMS 10 in managing the network device 12.

FIG. 2 illustrates a process by which the **NMS 10 instructs the network device 12 to save its current configuration in nonvolatile storage 13**. The process originates at the client 14. A user invokes a **SAVE command**, for example by pressing a control button or selecting an item on a drop-down menu of a graphical user interface. As a result, a SAVE request message 22 is sent from the client 14 to the server 16, which responds by sending a SAVE request message 24 to the network device 12 and awaiting a response. **The device 12 stores its configuration information into its local nonvolatile storage 13**, and upon completion returns a SAVE response 26 to the server. The SAVE response 26 indicates whether the SAVE operation was successful. Normally, a successful

completion is indicated. In the event of certain hardware failures or other failure conditions, an indication of failure is returned in the SAVE response 26.
(Emphasis added.)

Thus, the cited passages merely describe saving configuration to a local memory in response to a command. They do not, however, teach or suggest “receiving a description of a network component,” as recited in claims 1 and 39.

Regarding the claim terms directed to “placing at least a portion of the received description into ... an electronic list of network components ... wherein each of the plurality of sections corresponds to a capability of a network component ... the ... list include[ing] a dynamic network device section ... a non-dynamic network device section ... and a power management section,” the Office action directs the Appellant’s attention to column 3, line through column 4, line 18 and column 6, lines 38-67 of *Champagne*. Column 6, lines 38-67 of *Champagne* which states:

For illustrative purposes, an exemplary DTD for an XML-based configuration information file is shown below. This DTD is specific to a device 12 of the type described above, i.e. a complex router that can be configured with multiple virtual routers. For this type of device, the configuration information includes lists of such things as the slots and ports of the device, supported virtual LANs (VLANs), MPLS tunnels over which virtual routers communicate with other virtual routers in the network, and information pertaining to supported routing protocols such as OSPF and RIP. It will be appreciated that the elements defined in a DTD will vary considerably depending on the nature of the network device 12.

```
<?xml version="1.0" encoding="UTF-8"?>
<!DOCTYPE device-config [ <!ELEMENT device-config (chassis, vlan-list?,
virtual-management- router?, virtual-backbone-router?, tunnel-list?, virtual-
router- list?) >
<!ELEMENT chassis (slot-list, chassis-general?) > <!ELEMENT slot-list (slot*)
>
<!ELEMENT slot (var-list, portmapping-list) > <!ELEMENT portmapping-list
(port*) >
<!ELEMENT port (var-list) > <!ELEMENT chassis-general (var-list) >
<!ELEMENT vlan-list (vlan*) > <!ELEMENT vlan (var-list) >
<!ELEMENT virtual-management-router (var-list, virtual-router-
```

Thus, the cited passages merely describe an example of a configuration file. They do not, however, teach or suggest “placing at least a portion of the received description into ... an electronic list of network components ... wherein each of the plurality of sections corresponds to a capability of a network component ... the ... list include[ing] a dynamic network device section ... a non-dynamic network device section ... and a power management section,” as recited in claims 1 and 39.

For at least the reason that the cited passages fail to teach the limitations that the Office action relies on them as teaching, the Appellant respectfully submits that claims 1 and 39 are not anticipated by *Champagne*. Claims 2-22 depend from claim 1. Claims 40-43 depend from claim 39. For at least the reason that dependent claims include the limitations of the claims from which they depend, the Appellant respectfully submits that claims 2-22 and 40-43 are not anticipated by *Champagne*.

Claims 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,188,160 issued to Champagne et al. (*Champagne*) in view of U.S. Patent No. 6,697,360. Claims 20-22 depend from claim 1. As shown above, *Champagne* fails to teach or suggest, “receiving a description of a network component ... placing at least a portion of the received description into ... an electronic list of network components ... wherein each of the plurality of sections corresponds to a capability of a network component ... the ... list include[ing] a dynamic network device section ... a non-dynamic network device section ... and a power management section,” as recited in claim 1. *Gia* is cited as teaching aspects of a DHCP server. The Appellant respectfully notes, however, that it fails to correct the deficiencies of *Champagne*. Thus, the Appellant respectfully submits that claims 20-22 are patentable over the combination of *Champagne* and *Gia*.

VIII. CONCLUSION

Appellants respectfully submit that all the appealed claims in this application are patentable and request that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,

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/Philip A. Pedigo/

Philip A. Pedigo

Reg. No. 52,107

Attorney for Intel Corporation

Intel Corporation

c/o Intellevate, LLC

P.O. Box 52050

Minneapolis, MN 55402

Tele – (503) 712-5560

Fax – (503) 264-1729

APPENDIX OF CLAIMS (37 C.F.R. § 1.192(c)(7))

1. (Previously Presented) A method comprising:
receiving a description of a network component; and
placing at least a portion of the received description into one of a plurality of sections of an electronic list of network components, each of the plurality of sections having a standard format, wherein each of the plurality of sections corresponds to a capability of a network component, and further wherein the electronic list of network components includes
a dynamic network device section to contain a description of one or more network components that can be moved from one location on a network to another location,
a non-dynamic network device section to contain a description of one or more network components having a static IP address, and
a power management section to contain a description of one or more power management modules to programmatically apply power to a network component.
2. (Original) The method of claim 1, wherein
receiving the description of the network component includes receiving a description of a dynamic network device; and

placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a dynamic network device section of the electronic list of network components.

3. (Original) The method of claim 2, wherein

the dynamic network device section includes a dynamic network device section element to describe a dynamic network device.

4. (Original) The method of claim 3, wherein

the dynamic network device section element includes a data element to describe a network interface of the dynamic network device.

5. (Original) The method of claim 4, wherein

the data element includes an information element to store a Media Access Control (MAC) address of the network interface of the dynamic network device.

6. (Original) The method of claim 1, wherein

receiving the description of the network component includes receiving a description of a non-dynamic network device; and

placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a non-dynamic network device section of the electronic list of network components.

7. (Original) The method of claim 6, wherein
the non-dynamic network device section includes a non-dynamic network device
section element to describe a non-dynamic network device.
8. (Original) The method of claim 7, wherein
the non-dynamic network device section element includes a data element to store
IP address information associated with the non-dynamic network device.
9. (Original) The method of claim 1, wherein
receiving the description of the network component includes receiving a
description of a power management device; and
placing at least a portion of the received description into one of a plurality of
sections includes placing the received description in a power management device section
of the electronic list of network components.
10. (Original) The method of claim 9, wherein
the power management device section includes a list of power management
devices.
11. (Original) The method of claim 10, wherein
the power management device list includes an association element to specify a
network component associated with the described power management device.

12. (Original) The method of claim 1, wherein
receiving the description of the network component includes receiving a
description of a hub; and
placing at least a portion of the received description into one of a plurality of
sections includes placing the received description in a hub section of the electronic list of
network components.
13. (Original) The method of claim 12, wherein
the hub section includes a hub section element to describe a hub.
14. (Original) The method of claim 13, wherein
the hub section element includes a data element having an association element to
specify network components associated with the described hub.
15. (Original) The method of claim 1, wherein
receiving the description of the network component includes receiving a
description of a Virtual Local Area Network (VLAN) switch; and
placing at least a portion of the received description into one of a plurality of
sections includes placing the received description in a VLAN switch section of the
electronic list of network components.
16. (Original) The method of claim 15, wherein
the VLAN switch section includes

a data element to describe the VLAN switch; and

a data element to describe a port of the VLAN switch.

17. (Original) The method of claim 16, wherein

the data element includes an association element to specify a network component associated with the described port.

18. (Original) The method of claim 1, wherein

receiving the description of the network component includes receiving a description of a router; and

placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a router section of the electronic list of network components.

19. (Original) The method of claim 18, wherein

the router section includes

a data element to specify a router; and

a router interface data element to describe a router interface of the specified router.

20. (Original) The method of claim 1, wherein

receiving the description of the network component includes receiving a description of a Dynamic Host Configuration Protocol (DHCP) server; and

placing at least a portion of the received description into one of a plurality of sections includes placing the received description in a DHCP server section of the electronic list of network components.

21. (Original) The method of claim 20, wherein
the DHCP server section includes a DHCP server section element to describe the DHCP server.

22. (Original) The method of claim 21, wherein
the DHCP server section element includes
a data element to specify the DHCP server; and
a DHCP server interface data element to describe an interface of the DHCP server.

Claims 23-38 (Cancelled)

39. (Previously Presented) A system comprising:
a first network component; and
a second network component coupled with the first network element through a wireless local area network, the second network component having a processor and logic executable thereon to
receive a description of the first network component; and

place at least a portion of the received description into one of a plurality of sections of an electronic list of network components, each of the plurality of sections having a standard format, wherein each of the plurality of sections corresponds to a capability of a network component, and further wherein the electronic list of network components includes

a dynamic network device section to contain a description of one or more network components that can be moved from one location on a network to another location,

a non-dynamic network device section to contain a description of one or more network components having a static IP address, and

a power management section to contain a description of one or more power management modules to programmatically apply power to a network component.

40. (Original) The system of claim 39, wherein

the first network component is a dynamic network device; and

to place at least a portion of the received description into one of a plurality of sections includes to place the received description in a dynamic network device section of the electronic list of network components.

41. (Original) The system of claim 40, wherein

the dynamic network device section includes a dynamic network device section element to describe the dynamic network device.

42. (Original) The system of claim 41, wherein

the dynamic network device section element includes a data element to describe a network interface of the dynamic network device.

43. (Original) The system of claim 42, wherein

the data element includes an information element to store a Media Access Control (MAC) address of the network interface of the dynamic network device.

XI. EVIDENCE APPENDIX

None.

XII. RELATED PROCEEDINGS APPENDIX

None.